



Utah Department of Natural Resources

Water Rights

Proposed Rules on Duty

R655. Natural Resources, Water Rights.

R655-18. Definition and Adoption of Water Duty in Administrative Decision Making of the State Engineer.

R655-18-1. Authority.

(1) This rule is promulgated pursuant to Subsection 73-2-1(4)(g) which requires that the State Engineer make rules regarding the duty of water.

R655-18-2. Purpose.

(1) The Purpose of this rule is to define and set forth the procedures and use of the term duty of water in administrative proceedings of the State Engineer.

R655-18-3. Application of the Rule.

(1) This rule is applicable to administrative proceedings conducted by the state engineer pursuant to authority under Utah Code Chapter 73-3, 73-4, and 73-5. It also applies to water right appurtenance as described in 73-1-11.

R655-18-4. Definitions.

(1) Terms used in this rule are defined as follows:

(a) af – An abbreviation for acre-feet or a quantity of water amounting to one foot of water over an area of one acre.

(b) Beneficial Use means the use of water diverted for some profitable or useful purpose. Beneficial Use is the basis, the measure, and limit of all rights to the use of water. Beneficial use is limited to the actual use limitations established with the water right and defined in terms of number of irrigated acres, number of homes, number of families, number of animals, etc.

(c) Depletion means the amount of water consumed by water use. Consumed water is lost from the hydrological system.

(d) Domestic Diversion Duty is the maximum amount of water reasonably required to be diverted to service the indoor domestic requirements of one household.

(e) Duty of Water means the potential work or Beneficial Use a given unit amount of water can reasonably be expected to accomplish. Said in the inverse which is the way the term is normally applied by the Division of Water Rights, Duty of Water is the maximum annual amount of water reasonably required to accomplish a unit amount of Beneficial Use.

(f) Enlargement is the expansion of a water right through the water right change application or other processes. If a water right is enlarged, the use of water under the water right is increased under the water right's underlying priority. Enlargement defeats priority and causes impairment of existing rights.

(h) Hydrologic System is a geographically constrained drainage area containing both surface and groundwater accumulated from precipitation within the drainage which interact with each other as they flow towards a common sink or low elevation point.

(g) Irrigation Depletion Duty means the amount of water that can reasonably be expected to be depleted from the hydrologic system as a result of applying water to beneficial use for irrigation of land in units of af/acre.

(i) Irrigation Diversion Duty is the maximum amount of water reasonably necessary to be diverted from a natural source and applied to irrigate an acre of crop in units of af/acre.





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R655-18-5. Computation of Irrigation Diversion Duty.

(1) (a) Irrigation Diversion Duty is computed by determining the amount of water than can reasonably be consumed as evapotranspiration during beneficial use for irrigation and dividing by reasonable efficiency factors for conveyance and application of water to the crop. Standard Irrigation Diversion Duty for geographical areas of the state are published on the Division of Water Rights website (<http://waterrights.utah.gov/wrinfo/policy/duty.asp>).

(b) Irrigation use is administered by the state engineer on the basis of acres irrigated without respect to crop type. Irrigation duty is established on the basis of the most consumptive crop which can be grown, usually alfalfa.

(c) Standard Irrigation Diversion Duty is established on the basis of a full season of irrigation.

(2) An applicant may by written petition request the state engineer adopt an alternative duty to be applied to the hereafter uses in a change application proceeding. The primary consideration of the state engineer in granting a petition for alternate duty will be repeatability of the science proposed and measures which can be applied to assure the water right limitations are not exceeded, particularly the historic depletion.

R655-18-6. Computation of Domestic Diversion Duty

(1) The standard Domestic Diversion Duty of 0.45 af for indoor uses is adopted on the basis of 100 gallons of daily use per person for a four person household. A part time domestic duty for residences which are not occupied continuously during the year of 0.25acft per residence is also adopted.

(2) Applicants may through written documentation petition the state engineer for a lower domestic duty in a fact specific scenario which may be applied to the hereafter domestic use in a change application proceeding. The primary consideration of the state engineer when considering grant of a petition for lower than standard domestic duty is repeatability of the science employed and measures which will be applied with the lower duty to assure the water right limitations are not exceeded.

R655-18-7 Application of duty to Water Right Administration

(1) The state engineer adopts uniform duties by completing studies and calculations, publishing the resultant values in public meetings, in policies published and available on the Division of Water Right website, or proposing they be adopted in a general adjudication proposed determination.

(2) Duty is applied to applications to appropriate water to limit filings to a reasonable amount of water for the use contemplated.

(3) (a) Duty is used in the change application process to evaluate the uses to be changed and determine the expected maximum usage of water proposed under the change application.

(b) The change is limited such that the historical use of the water based on the adopted duties may not be exceeded by the proposed use.

(c) The principle of duty limitation is adopted to defeat enlargement of a water right through the change application process. Enlargement is the expansion of a water right already assigned a priority in relation to other water rights. The expansion thereof if allowed impairs those rights junior in priority because they are not entitled any water under the statutes until the changed right has received its full supply.

(4) Duty is applied in general adjudications as a uniform limitation on water rights proposed for adoption by the court on the basis of the amount of water reasonably required for the proposed Beneficial Use.

(5) Duty is applied to Utah Code Chapter 73-4 activities (distribution) to limit a water user during an irrigation season to a total amount of water for the beneficial uses allowed under the right. Duty may be further employed to limit distribution through the season to threshold amounts of water for smaller periods accruing to an annual duty limitation.

